IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE P.S.NARAYANA**

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**WRIT PETITION NO : 12379 of 1997**

Between:

1. S.Fakuruddin Sab S/o Ghani Sab, Muslim
   Aged about 45 years R/o Polluru vilage Kambadur Mandal
   Anantapur District
2. Yaseen S/o Nunna Moinuddin Sab, Muslim
   Aged about 42 years, R/o Polluru vilage Kambadur Mandal
   Anantapur District
3. S.Hussain Peera S/o Ghani Sab, Muslim
   Aged about 40 years, R/o Polluru village, Kambadur Mandal
   Anantapur District
4. Shafi Sab S/o Nunna Moinuddin Sab, Muslim
   Aged 37 years, R/o Polluru vilage Kambadur Mandal
   Anantapur District

**..... PETITIONERS**

AND

Mandal Revenue Officer
Kambadur Mandal Kambadur
Anantapur District.,

**...RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, or order or direction preferably one in the nature of Writ of Mandamus, directing the respondent to issue pattadar pass books and title deeds to the petitioners in respect of the lands admeasuring Ac.5.00 in S.No.591-1, Ac.5-04

in S.No.590-2, Ac.5-00 in S.No.591-2 and Ac.5-00 in S.No.590-3 of Polluru village respectively.

**Counsel for the Petitioners: MR.A.BHASKARA CHARY**

**Counsel for the Respondent: GP FOR REVENUE**

**The Court made the following:**

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**ORDER:**

The writ petition is filed for a writ, order or direction one in the nature of Writ of Mandamus, directing the respondent to issue pattadar pass books and title deeds to the petitioners in respect of the lands admeasuring Ac.5.00 in S.No.591-1, Ac.5-04 in S.No.590-2, Ac.5-00 in S.No.591-2 and Ac.5-00 in S.No.590-3 of Polluru village respectively and pass such other suitable orders.

It is stated that the petitioners filed claim petitions before the respondent requesting for issuance of pattadar pass books and title deeds and in February 1997, an enquiry was conducted in respect of the lands of the petitioners and the petitioners also submitted their photographs which are to be affixed in the pattadar pass books and title deeds. The respondent completed the enquiry and after completion of enquiry, respondent had got to furnish the pattadar pass books and title deeds. But, however, despite repeated representations dated 10-03-1997 and 18-04-1997, no further action had been initiated in this regard. Hence, the writ petition.

Sri Bhaskara Chary, the learned counsel representing the writ petitioners, submits that inasmuch as the Mandal Revenue Officer, the respondent herein, is duty bound, as per the statutory provisions, to issue the pattadar pass books and title deeds in accordance with the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the Rules framed there-under. The said competent authority, the respondent herein, having conducted an enquiry and having completed the same, is not justified in not delivering the pattadar pass books and title deeds to the writ petitioners. The counsel also would contend that no counter-affidavit had been filed denying the allegations made in the affidavit filed in support of the writ petition and, hence,

the allegations made in the affidavit filed in support of the writ petition may have to be taken as admitted and not being controverted.

It is needless to say that as per the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the Rules framed there-under, the Mandal Revenue Officer concerned, the competent authority, has to act in accordance with the procedure specified under the aforesaid provisions. In the light of the specific stand taken by the writ petitioner that the enquiry had been conducted, it is needless to say that the respondent is bound to pass appropriate orders in this regard in relation to the issuance of the pattadar pass books and title deeds.

Hence, in the light of the facts and circumstances, the respondent is hereby directed to pass appropriate orders in this regard within a period of one month from the date of receipt of the order in relation to the issuance of pattadar pass books and title deeds for the lands referred to supra in relation to which the enquiry is said to have been conducted and completed by the respondent herein.

Writ petition is accordingly disposed of. No order as to costs.

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15.02.2005

Lrkm.

To

1) The Mandal Revenue Officer,
   Kambadur Mandal Kambadur
   Anantapur District.,

2) 2 CCs to G.P for Revenue, High Court Buildings,

High Court of A.P.,

Hyderabad (OUT).

3) 2 CD copies.

4) The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.

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